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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,363	10/30/2003	Wayne H. Hanson	1-24778	7882

4859 7590 11/04/2004

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/697,363	Applicant(s) HANSON ET AL.	
	Examiner Joseph F Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/30/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 3, 4, 12, and 13 are objected to because of the following informalities:
 - a. claim 3, line 1, "claim 1" should read --claim 2--;
 - b. claim 4, line 1, "spring" should read --biasing element--;
 - c. claim 12, line 1, "claim 10" should read --claim 11--;
 - d. claim 13, line 1, "spring" should read --biasing element--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8, 10-13, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,964,519 to Knudsen.

Knudsen discloses a seating system that includes all the limitations recited in claims 1-5, 8, 10-13, 16, and 18. Knudsen shows a seating system having a base 16 (Fig. 1), a seat tray 26 (Fig. 4) positioned within the base and mounted for forward and rearward sliding movement with respect to the base, a biasing element 34 (Fig. 4) connected relative to the base and the seat tray with a dampening effect, a low-friction

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slide 30 (Fig. 5) mounting the seat tray to the base, and a seat back 22 (Fig. 1) pivotally mounted relative to the seat tray and pivotally mounted to the seat tray at pivot points 24 (Fig. 1).

4. Claims 1-5, 8, 10-13, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,984,281 to Poggendorf.

Poggendorf discloses a seating system that includes all the limitations recited in claims 1-5, 8, 10-13, 16, and 18. Poggendorf shows a seating system having a base 10 (Fig. 1), a seat tray 16 (Fig. 1) positioned within the base and mounted for forward and rearward sliding movement with respect to the base, a biasing element 24 (Fig. 1) connected relative to the base and the seat tray with a dampening effect, a low-friction slide 17 (Fig. 1) mounting the seat tray to the base, and a seat back 14 (Fig. 1) pivotally mounted relative to the seat tray and pivotally mounted to the seat tray at pivot points 18 (Fig. 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 7, 9, 14, 15, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudsen in view of U.S. Patent No. 327,775 to Dodge.

Knudsen discloses a seating system that is basically the same as that recited in claims 6, 7, 9, 14, 15, 17, and 19 except that the seating system lacks a back support member, a locking mechanism, and a leg support, as recited in the claims. Dodge shows a seating system similar to that of Knudsen wherein the seating system has a base D (Fig. 1), a seat tray B (Fig. 1), a seat back A (Fig. 1) pivotally mounted to the seat tray, a back support member H (Fig. 1) of the seat back with downward movement in a vertical direction causes the seat back to pivot at the seat tray thereby reclining the seat back and causing the seat tray to slide forward, a locking mechanism I,F (Fig. 4) supported with respect to the base, and a leg support C (Fig. 1) pivotally mounted with respect to the seat tray. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seating system of Knudsen such that seat back has a back support member wherein downward movement in a vertical direction causes the seat back to pivot at the seat tray thereby reclining the seat back and causing the seat tray to slide forward, a locking mechanism supported with respect to the base, and a leg support pivotally mounted with respect to the seat tray, such as the seating system disclosed in Dodge. One would have been motivated to make such a modification in view of the suggestion in Dodge that the base, seat tray, and seat back configuration allows for a releasably adjustable seat back hingedly attached to the seat tray that can be used in a reclined sleeping position or as a stretcher.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The following patents are cited to further show the state of the art with respect to seating systems: U.S. Pat. No. 6,805,406 B1 to Jansen.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JE

October 31, 2004


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600